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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,304	05/07/2001	Junya Yada	206747US2	8669

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EXAMINER

SCHLACK, SCOTT A

ART UNIT PAPER NUMBER

2625

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/849,304

Applicant(s)

YADA, JUNYA

Examiner

Scott Schlack

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9 and 14 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's amendment was received on 05/02/2006, and has been entered and made of record. Currently, claims **1** and **3-18** are pending.
2. The examiner notes: claims **8, 9** and **14** are said to be allowable in the previous Office Action dated 02/01/2006, by examiner Twyler Lamb (SPE), and claims **1** and **10** have been newly amended.

### ***Response to Arguments***

3. With respect to argued claims **1** and **10** along with their dependent claims (**3-7, 11-13** and **15-18**), applicants arguments filed on 05/02/2006, have been considered but are viewed to not be persuasive.

**Applicant's Arguments** (with respect to claims **1** and **10**): *"the '614 patent fails to disclose a command interpreter that stores multiple commands, wherein one of the multiple commands stored in the command registers can be replaced with a new command when a code of the one command has changed, wherein the one command is commonly used for a same type of printing system, as recited in amended claim 1. In this regard, Applicants note the Office Action on page 3 admits that the '614 patent fails to disclose that 'the command is commonly used for a same type of printing system.'* Further, Applicants respectfully submit that the '614 patent fails to disclose that one of the commands stored in the command registers can be replaced when a code of the one command has changed, as recited in claim 1. Rather, the '614 patent merely discloses the changing of command sequencing, but does not disclose that the code for

*a command is replaced when a code of the command has changed, as recited in amended Claim 1."*

**Examiner's Response:** The examiner interprets the Output Units (Maeda: 2 and 3 of Fig 1) and their respective processors (Maeda: MPU 17 of Fig 2) to be equivalent to the command interpreter, which stores multiple commands in command registers (Maeda: Command Table memory allocation in Non-Volatile Memory 11 of Fig 2, col 4, lines 31-33 and Figs 3, 5 and 11). The examiner also notes that the Command Tables (command registers) are capable of being replaced or re-written with new commands when associated parameters or discrimination information (code) for the command has changed (Maeda: col 1, lines 34-54 and col 2, lines 1-12). The examiner further notes that commands received from the same source by multiple Output Units (i.e. printer apparatuses), also of the same type, naturally utilize common commands (from the same source) (Maeda: col 1, lines 15-31). Therefore, the examiner views the Maeda reference to sufficiently read on the applicant's claims as amended.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1, 3-7, 10-13 and 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US 5,899,614) in view of Ando (EP 0945780 A2).

6. With respect to claims **1**, **3-7**, **10-13** and **15-18**, the rejections in the Office Action dated 02/01/2006 by examiner Twyler Lamb, are maintained with exception to the amended content for claims **1** and **10**.

7. Regarding claims **1** and **10**, the examiner notes that the applicant amends the claims to include the following: "the command interpreter has command registers that can store multiple commands, wherein the command register are rewritable memories and one of the multiple commands stored in the command registers can be replaced with a new command that when a code of the one command has changed, wherein the one command is commonly used for a same type of printing system."

8. The applicant then argues that the newly amended features as claimed are not disclosed in the original examiner's (Twyler Lamb) cited references. However the newly appointed examiner disagrees with the applicant's assertion, and cites material from one of the previous examiner's references, Maeda et al., to reinforce the original rejection. Please refer to the above Examiner's Explanation in the Response to Arguments section.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Schlack whose telephone number is 571-272-7954. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Note to the applicant:** Art Unit 2624 has been redesignated as Art Unit 2625 due to organizational restructuring with the USPTO.

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Handwritten signature of Scott A. Schlack, consisting of stylized initials 'SAS'.

Scott A. Schlack

Handwritten signature of Kimberly Williams, appearing as 'KAWilliams'.

KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER